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FEB 04 2010

In re Application of  
Charles E. MELINO, et al  
Application No. 09/262,656  
Filed: March 4, 1999  
Attorney Docket No. MELINO-2

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 19, 2009, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to timely pay the issue fee on or before April 4, 2001, as required by the Notice of Allowance and Fee(s) Due, mailed January 4, 2001, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 5, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D).

On October 19, 2009, petitioner filed a petition that indicated a previous submission was filed on May 1, 2007. Absent submission of either a copy of the return postcard receipt sufficiently itemizing all components filed previously or submission of any other evidence, which could assist the Office in making a proper determination, the petition is dismissed at this time.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                   Mail Stop PETITION  
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The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions